

REMARKS

Claims 1-38 are pending in the application.

By the foregoing Amendment, claim 1 is amended.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Allowable Subject Matter

Applicants thank the Examiner for the Examiner's indication that claims 6-8, 21, 23-29, and 32-38 are allowable, and that claims 5, 17, and 18 would be allowable if rewritten in independent form.

Claim 1 has been amended to add to the recitation of the detection step the limitations that the detecting step is carried out "using a detector with a modulatable amplification." This aspect of the invention is described in the substitute specification in paragraph 0007. Although this limitation is broader than that of claim 5, it is believed that the prior art of record does not teach this limitation, either; and that therefore, claim 1 is now allowable. Claims 2-4, 9-20, 30, and 31, which depend directly or indirectly from independent amended claim 1, are therefore also now believed to be allowable.

Correction to the Drawings

On page 2 of the Office Action, corrected drawings, corresponding to the proposed drawings filed on December 21, 2001, were required. Substitute drawings incorporating the approved changes are accordingly submitted herewith.

Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, claims 1, 2, 4, 11, and 20 were rejected under section 102(b) as being anticipated by Morgan. This rejection is believed to be overcome by the amendment of claim 1 as discussed above, in that the prior art does not teach or suggest a process for detecting the phenomenon of fluorescence in a microscope using a detector with a modulatable amplification.

It is therefore respectfully requested that the rejection of claim 1 and claims 2, 4, 11, and 20 depending therefrom, be withdrawn.

Rejections under 35 U.S.C. § 103

On page 4 of the Office Action, claims 3 and 19 were rejected under section 103(a) as being unpatentable over Morgan. This rejection is believed to be overcome by the amendment of claim 1, from which claims 3 and 19 depend, for the reason stated above in connection with the rejection under section 102(b).

Conclusion

All objections, rejections, and requirements have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: 12/4/03

By: 

Customer No. 00,136
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Allen S. Melser
Registration No. 27,215

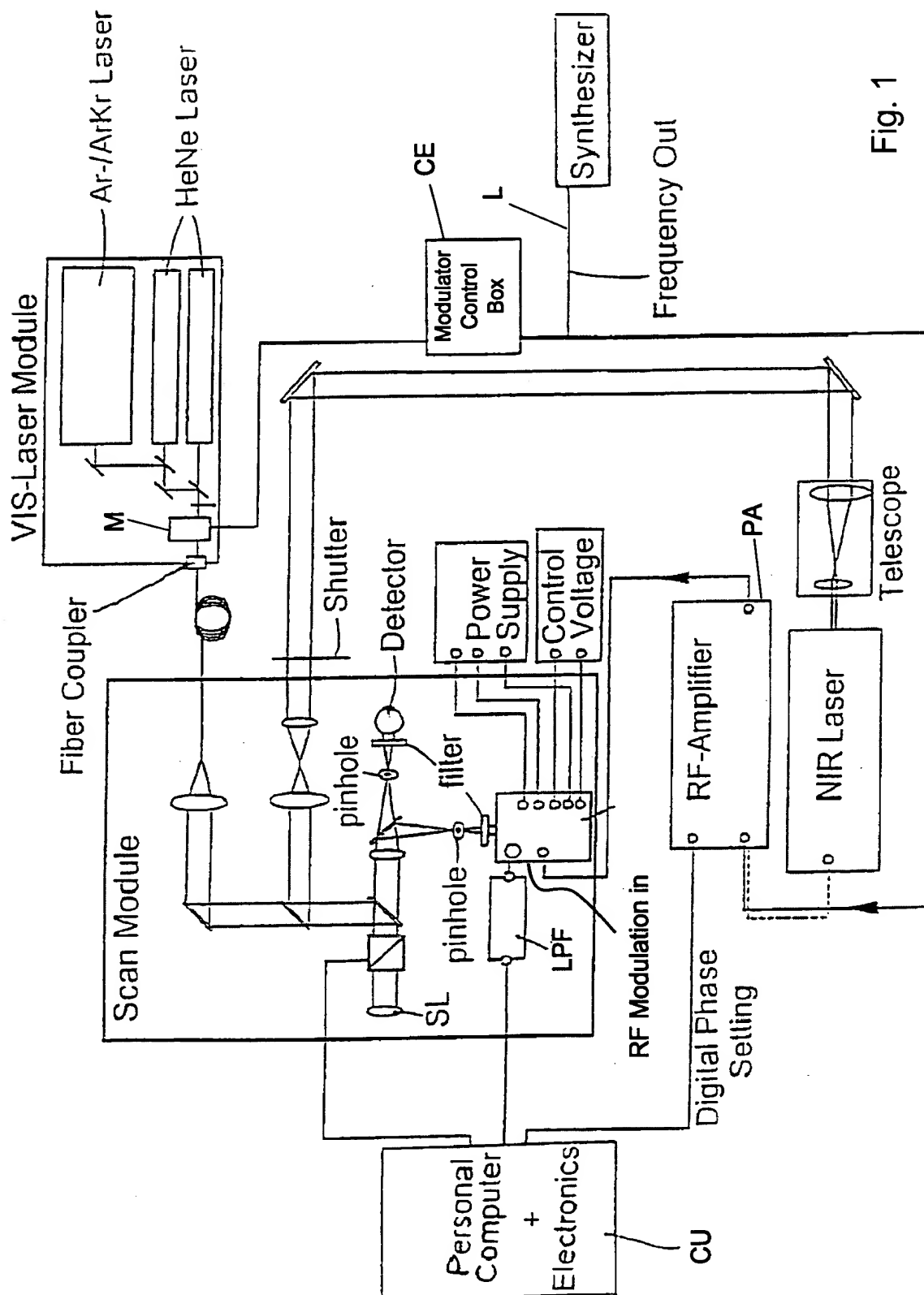


Fig. 1

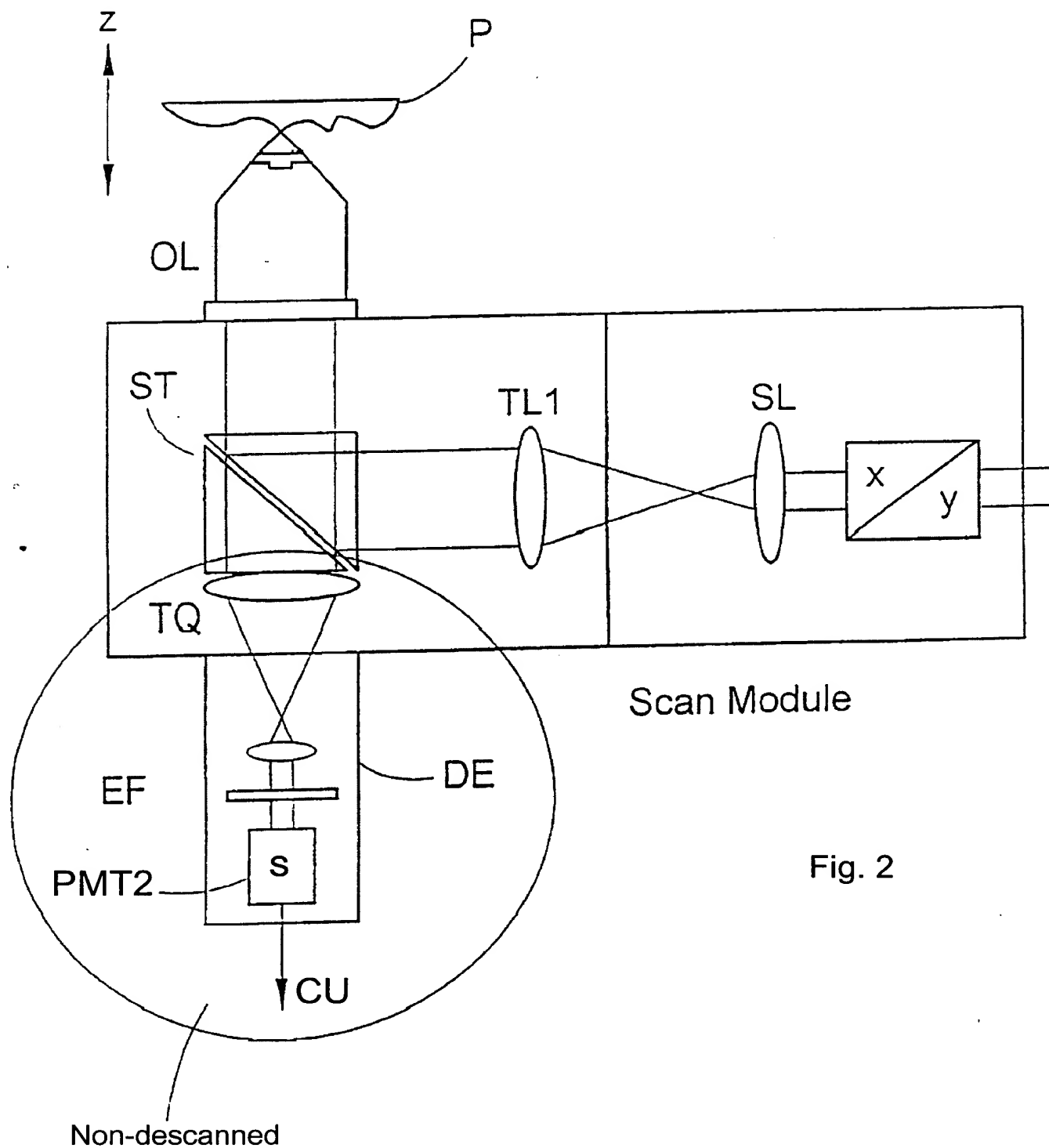


Fig. 2